

HOUSE BILL 535

A2

11r0429

By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Town of Kensington – Off-Sale Beer and Light Wine**
3 **Licenses**

4 **MC 9–11**

5 FOR the purpose of authorizing the Montgomery County Board of License
6 Commissioners to issue a certain number of Class A (off-sale) beer and light
7 wine licenses in a certain area in the town of Kensington; specifying the hours
8 and days of sale; prohibiting a license holder from engaging in certain activities;
9 providing for an annual license fee; and generally relating to the sale of
10 alcoholic beverages in the town of Kensington.

11 BY repealing and reenacting, with amendments,
12 Article 2B – Alcoholic Beverages
13 Section 8–216(a)(2)
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 2B – Alcoholic Beverages**

19 8–216.

20 (a) (2) (i) Except as provided in subparagraphs (ii), (iii), (iv), [and] (v),
21 AND (VI) of this paragraph, in Montgomery County, a license for the sale of alcoholic
22 beverages authorized by this article may not be issued for any place of business
23 located in Damascus (12th election district), and in the towns of Barnesville,
24 Kensington, Laytonsville, Washington Grove and the City of Takoma Park.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) In the town of Barnesville, the Montgomery County Board of
2 License Commissioners may issue a special 7-day on-sale beer, wine and liquor
3 license to any bona fide religious, fraternal, civic, or charitable organization.

4 (iii) In the town of Kensington, the Montgomery County Board of
5 License Commissioners may issue a special 2-day on-sale beer and wine license or a
6 special 2-day on-sale beer, wine and liquor license to any bona fide religious,
7 fraternal, civic, or charitable organization holding an event on municipal property
8 located at 3710 Mitchell Street, Kensington, Maryland.

9 (iv) 1. In the town of Kensington, the Montgomery County
10 Board of License Commissioners may issue a special B-K beer and wine license or a
11 special B-K beer, wine and liquor license for use on the premises of a restaurant
12 located in the following commercial areas:

13 A. The west side of Connecticut Avenue between
14 Knowles Avenue and Perry Avenue;

15 B. The east side of Connecticut Avenue between Knowles
16 Avenue and Dupont Street and between University Boulevard and Perry Avenue;

17 C. The west side of University Boulevard West;

18 D. Dupont Avenue, west of Connecticut Avenue;

19 E. Plyers Mill Road, west of Metropolitan Avenue;

20 F. Summit Avenue between Knowles Avenue and
21 Howard Avenue;

22 G. Detrick Avenue between Knowles Avenue and
23 Howard Avenue;

24 H. The southwest side of Metropolitan Avenue between
25 North Kensington Parkway and Plyers Mill Road;

26 I. East Howard Avenue;

27 J. Armory Avenue between Howard Avenue and
28 Knowles Avenue;

29 K. Montgomery Avenue between Howard Avenue and
30 Kensington Parkway; or

31 L. Kensington Parkway and Frederick Avenue, from
32 Montgomery Avenue to Silver Creek.

1 2. A special B–K beer, wine and liquor license or a
2 special B–K beer and wine license authorizes the holder to keep for sale and sell
3 alcoholic beverages for consumption on the premises only.

4 3. A licensee shall maintain average daily receipts from
5 the sale of food, not including carryout food, of at least 50% of the overall average daily
6 receipts.

7 4. In addition to the restrictions in subsubparagraphs 2
8 and 3 of this subparagraph, the holder of a special B–K beer and wine license or a
9 special B–K beer, wine and liquor license in the commercial areas specified in
10 subsubparagraph 1I, J, K, and L of this subparagraph may not serve alcoholic
11 beverages after 11 p.m.

12 **(v) 1. IN THE TOWN OF KENSINGTON, THE**
13 **MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE NOT**
14 **MORE THAN THREE CLASS A (OFF–SALE) BEER AND LIGHT WINE LICENSES FOR**
15 **USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBPARAGRAPH (IV)1 OF THIS**
16 **PARAGRAPH.**

17 **2. A CLASS A BEER AND LIGHT WINE LICENSE**
18 **AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL BEER OR LIGHT WINE**
19 **FOR CONSUMPTION OFF THE PREMISES 7 DAYS A WEEK, FROM 10 A.M. TO 8 P.M.**
20 **DAILY.**

21 **3. A HOLDER OF A CLASS A BEER AND LIGHT WINE**
22 **LICENSE MAY NOT:**

23 **A. SELL SINGLE BOTTLES OR CANS OF BEER;**

24 **B. SELL REFRIGERATED PRODUCTS; OR**

25 **C. ON A SIDE, DOOR, OR WINDOW OF THE BUILDING**
26 **OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT**
27 **ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.**

28 **4. THE ANNUAL LICENSE FEE IS \$200.**

29 **[(v)] (VI)** In Damascus (12th election district), the Montgomery
30 County Board of License Commissioners may issue a special 7–day Class C on–sale
31 beer, wine and liquor license to any bona fide volunteer fire department.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 2011.